

REMARKS

Claims 1-21 are pending. By this Amendment, claims 1, 14, 15 and 16 are amended to clarify that a connection is made before determining the availability of a party. These amendments do not narrow the scope of claims 1, 4, 15 and 16. Reconsideration based on the above amendments and following remarks is respectfully requested.

The attached Appendix includes marked-up copies of each rewritten claim (37 C.F.R. §1.121(c)(1)(ii)).

Applicant wishes to thank Examiners Weaver and Gauthier for the courtesy extended to Applicant's representatives, Paul Tsou and Gang Luo, during a personal interview on May 7, 2002. The substance of the interview is incorporated in the remarks below.

I. The Claims Define Allowable Subject Matter

The Office Action rejects claims 1, 5, 11, 14 and 15 under 35 U.S.C. §102(b) over Sleevi (U.S. Patent No. 4,811,382). This rejection is respectfully traversed.

The Office Action asserts that Sleevi teaches all elements recited in claims 1, 5, 11, 14 and 15. However, Applicant respectfully submits that Sleevi does not disclose or suggest time slicing a telecommunications call, comprising ... connecting a caller to a subscriber of a time slicing service, then ..., connecting the caller to an alternate device..., and determining a portion of total call charges associated with the call, as recited in claim 1 and corresponding claims 14 and 15.

Sleevi discloses applying messages or data to customer lines of calling parties during the "ringback" period of a telephone call setup (see Abstract and col. 7, lines 5-10). As is well known, a caller is not connected to a called party during ringback, but only after the called party answers the call. In Sleevi, a central office sends out ringback signals when signaling a called

party of an incoming call from a caller but before connecting the caller to the called party (see col. 1, line 58 - col. 2, line 4). Nowhere does Sleevi disclose connecting the caller to an alternate device when connected to a subscriber as recited in claims 1, 14 and 15.

Furthermore, Sleevi discloses charging advertisers so as to reduce telephone rates but does not disclose reducing charges for a telephone call (see, col. 9, lines 3-22). Thus, Sleevi does not disclose determining a portion of total call charges associated with the call, as required in claim 1 and corresponding claims 14 and 15.

As agreed at the interview, for at least these reasons, Sleevi does not disclose or suggest the subject matter recited in independent claim 1, and dependent claims 5 and 11 depending therefrom, and independent claims 14 and 15. Withdrawal of the rejection of claims 1, 5, 11, 14 and 15 under 35 U.S.C. §102(b) is respectfully requested.

The Office Action rejects claims 16 and 18-20 under 35 U.S.C. §102(b) over Gregorek et al. (U.S. Patent No. 5,321,740). This rejection is respectfully traversed.

The Office Action asserts that Gregorek discloses each and every element recited in claims 16 and 18-20. However, Applicant respectfully submits that Gregorek does not disclose a telecommunications system having a time slicing capability, comprising ... a destination switch that connects to the called party based on information from the controller ... wherein portions of the call during which alternate services are provided are charged to entities based on the alternate service provided, as recited in claim 16.

Gregorek discloses playing announcements or messages to a calling party during a time period when an audible call progress signal would have been produced (see, col. 2, lines 1-10). An audible call progress signal is either an audible ringback or busy signal (col. 3, lines 21-28). The announcements are played before a caller is connected to a called party (see, col. 4, line 56-

61). Nowhere does Gregorek discloses playing such announcements when the caller is connected to the called party.

Gregorek discloses charging the sponsors of the announcements (col. 8, lines 20-25). However, because the announcements are played before the caller is connected to the called party, neither the caller nor the called party is responsible for the charges associated with playing the announcements. In other words, the charges associated with the announcements are not a portion of the charges of the call between the caller and the called party.

As agreed at the interview, for at least these reasons, Gregorek does not disclose or suggest the subject matter recited in claim 16, and claims 18-20 depending therefrom.

Withdrawal of the rejection of claims 16 and 18-20 under 35 U.S.C. §102(b) is respectfully requested.

The Office Action rejects claims 2, 7, 8 and 10 under 35 U.S.C. §103(a) over Sleevi in view of Andrews et al. (U.S. Patent No. 5,271,058). This rejection is respectfully traversed.

Andrews discloses an automatic call distributing system for automatically distributing telephone calls placed over a network (see col. 1, lines 48-52). It does not disclose or suggest time slicing a telecommunicationss call, comprising ... connecting a caller to a subscriber ..., connecting the caller to an alternative device ..., and determining a portion of a total call charges associated with the call.

For at least these reasons, Andrews does not supply the subject matter lacking in Sleevi. Accordingly, Sleevi and Andrews, individually or in combination, do not disclose or suggest the subject matter recited in claim 1, and claims 2, 7, 8 and 10 depending therefrom. Withdrawal of the rejection of claims 2, 7, 8 and 10 under 35 U.S.C. §103(a) is respectfully requested.

The Office Action rejects claims 3 and 6 under 35 U.S.C. §103(a) over Sleevi in view of Iida et al. (U.S. Patent No. 5,440,541). This rejection is respectfully traversed.

Iida discloses retrieving personal information in a personal communications system for establishing communications based on a unique personal number assigned to each subscriber (see, Abstract and col. 2, lines 31-50). Iida does not disclose or suggest time slicing a telecommunication call, comprising ... connecting a caller to a subscriber ..., connecting the caller to an alternative device ..., and determining a portion of total call charges associated with the call.

For at least these reasons, Iida does not supply the subject matter lacking in Sleevi. Therefore, Sleevi and Iida, individually or in combination, do not disclose or suggest the subject matter recited in claim 1, and claims 3 and 6 depending therefrom. Withdrawal of the rejection of claims 3 and 6 under 35 U.S.C. §103(a) is respectfully requested.

The Office Action rejects claims 4, 9, 12 and 13 under 35 U.S.C. §103(a) over Sleevi in view of Gregorek. This rejection is respectfully traversed.

As discussed above, Sleevi and/or Gregorek do not disclose or suggest time slicing a telecommunications call, comprising ... connecting a caller to a subscriber ..., connecting the caller to an alternative device ..., and determining a portion of total call charges associated with the call. Accordingly, Sleevi and Gregorek, individually or in combination, do not disclose or suggest the subject matter recited in claim 1, and claims 4, 9, 12 and 13 depending therefrom. Withdrawal of the rejection of claims 4, 9, 12 and 13 is respectfully requested.

The Office Action rejects claims 17 and 21 under 35 U.S.C. §103(a) over Gregorek in view of Iida. This rejection is respectfully traversed.

As discussed above, Gregorek and Iida do not disclose or suggest a telecommunications system having a time slicing capability, comprising ... a destination switch that connects to the called party based on information from the controller ... wherein portions of the call during which alternate services are provided are charged to entities based on the alternate services provided. Accordingly, Gregorek and Iida, individually or in combination, do not disclose or suggest the subject matter recited in claim 16, and claims 17 and 21 depending therefrom. Withdrawal of the rejection of claims 17 and 21 under 35 U.S.C. §103(a) is respectfully requested.

II. Conclusion

In view of the foregoing remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-21 are earnestly solicited.

Should the Examiner believe that anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the Applicant's representative at the telephone number listed below.

Respectfully submitted,



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